

RULES OF THE
DEMOCRATIC PARTY OF THE STATE OF NEW YORK

The Democratic State Committee of the State of New York hereby adopts the following rules for the government of the Democratic Party of the State of New York:

Preamble

The purpose of these rules is to inspire and encourage the greatest number of Democrats to participate in the affairs of the Democratic Party of the State of New York, to insure the continuing success of the Democratic Party, and to provide the best possible responsible government for the people of the State of New York.

ARTICLE I.

GENERAL PROVISIONS Section 1:

Party Membership

(a) The membership of the Democratic party of the State of New York shall consist of the duly enrolled Democrats within the State.

(b) No test for membership in, nor any oath of loyalty to, the Democratic Party of New York shall be required or used that has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone, or support discrimination on the grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, disability, or economic status.

Section 2: Public Notice and Meetings

(a) All public meetings at all levels of the Democratic Party of New York are open to all members of the Democratic Party of New York regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, disability, economic status or philosophical persuasion.

(b) The time and place for all public meetings of the Democratic Party of New York on all levels shall be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings shall be held in places accessible to all Party members and large enough to accommodate all interested persons.

(c) The Democratic Party on all levels, shall support the broadest possible registration without discrimination on grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, disability or economic status.

(d) The Democratic Party of New York shall publicize fully and in such manner as to assure notice to all interested parties a full description of the legal and practical procedure for selection of the Party's officers and representatives on all levels. Publication of these procedures shall be made in such fashion that all prospective and current members of the Party in the State of New York will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Party's organization.

(e) The responsible officers of the Democratic Party of New York shall publicize fully and in such manner as to assure notice to all interested parties a complete description of the legal and practical qualifications for all officers and representatives of the Democratic Party of the State of New York. Such publication shall be effected in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the Party will have full and adequate opportunity to compete for office.

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ARTICLE II

(iv) In each Assembly District which comprises only parts of two or more counties and no whole county or counties, each such part of a county shall be entitled to elect two members. The members representing the parts of two or more counties and no whole county or counties shall cast the proportionate share of the vote to which the Assembly District is entitled.

(d) In all cases in which provision is made in this Section for the election of two members, one shall be a male and the other a female.

(e) The vote of each member elected under the foregoing provisions of this Section 1 shall be that portion of the two votes to which the Assembly District is entitled which is represented by a fraction, to the nearest tenth, of which the numerator is the total vote cast for the Democratic candidate for Governor at the last election for that office in that portion of the Assembly District from which the member was elected and the denominator of which shall be the total vote cast at such election for the office of Governor in the entire Assembly District. If a portion of an Assembly District from which the member was elected is represented by two members, then each member shall be entitled to cast one-half of the vote to which such portion of the Assembly District is entitled.

(f) All votes carried out in State Committee Meetings except for those prescribed in Article II Section 4, 5, and 6 in Article VI of the Party Rules will adhere to the following rules and procedures.

(i) At the registration for the meeting, each State Committee member will receive a colored voting credential and each State Committee member holding a proxy from an AD will receive a colored proxy credential for each proxy he or she holds. The proxy credential will have a different color than the voting credential.

(ii) The voting process will commence with the presiding officer asking for yeas and nays. The presiding officer will announce the outcome, but before proceeding to the next agenda item, will allow sufficient time for a member of the body to request a division. If a division is requested, the name of the person(s) requesting it will be recorded in the minutes and the presiding office will immediately carry out the division. No motion will be in order until the division is completed.

(iii) The presiding officer will call for a show of yeas and nays of members present by displaying their voting credential and then call for a show of ayes and nays by displaying their proxy credentials. Two State Committee officers will enumerate the yeas and nays of members present and by proxy separately and report them to the Secretary, who will immediately report the results to the body. The numbers for the yeas and nays of members present and by proxy separately will be reported in the minutes.

Section 2: County Committee

The County Committees in each county shall be constituted by the election in each Election District within such county of at least two members and such additional members not in excess of two (2) as the rules of the County Committee within the county or the statements filed pursuant to section 2-104 of the Election Law may provide for such district, proportional to the party vote in the district for Governor at the past preceding gubernatorial election, pursuant to statute.

Section 3: Other Party Committees

(a) District or party committees in and for each of the other political subdivisions of the State other than towns, villages and school districts shall be comprised as follows:

(i) If a political subdivision is coterminous with or less than the limits of, but wholly within, one county, then the members of the County Committee from such political subdivision shall constitute the committee in and for such political subdivision.

(ii) If a political subdivision consists of more than one county, then the district or party committee for such subdivision shall be composed of the Chair of the County Committees of the various counties, or parts of counties, situated within the political subdivisions.

(b) For purposes of the New York State Election Law, including without limit section 6-120 thereof, the committees identified in this Article II shall constitute the party committee in their respective political subdivisions.

(c) In addition to the committees to which this section refers, the committees identified in Article III as well as the following shall be recognized as party committees for all purposes under the Election Law, including, but not limited to, the purposes of sections 2-100 and 14-100 thereof: (i) Democratic National Committee; (ii) DNC Non-Federal Programs/New York Committee; (iii) DNC Non-Federal Individual Account No. 1.; (iv) Democratic Senate Campaign Committee/New York; and (v) Democratic Congressional Campaign Committee/New York.

Section 4: National Delegates and Alternates.

Delegates and alternates to the National Convention shall be selected in accord with the plan and rules which the State Committee shall adopt from time to time, which plan and rules shall be separately available at the office of the State Committee and, upon adoption, incorporated into this Section by reference.

Section 5: State and Judicial District
Convention Delegates.

Delegates and Alternate Delegates to a State Convention and to the Judicial District Convention for the nomination of Party Candidates for the office of Justice of the State Supreme Court shall be chosen by the election of such Delegates and Alternate Delegates from each Assembly District in the State as follows: One Delegate and one Alternate Delegate from each Assembly District in the State, and one additional Delegate and one additional Alternate Delegate from each Assembly District in the State for each two thousand five hundred votes or fraction of two thousand five hundred votes cast on the Democratic line in such Assembly District for the Party candidate for Governor at the last preceding general State Election.

Section 6: Election of Members of the Democratic
National Committee.

(a) In a year in which a presidential election is held, the State Committee shall elect the total number of members of the Democratic National Committee that shall have been apportioned to New York State pursuant to Article Two, Section 2(b) of the By-Laws of the Democratic National Committee.

- (b) The meeting of the State Committee that is held to elect members of the Democratic National Committee shall be open and shall take place within the calendar year of the Democratic National Convention, after notice thereof.

(c) When the number of members of the Democratic National Committee apportioned to New York State pursuant to Article Two, Section 2(b) of the By-Laws is an even number, there shall be an equal division of members between men and women. In such cases where the number is odd, the variance between men and women shall not be greater than one.

(d) All members of the Democratic National Committee elected pursuant to this section shall be chosen according to the standards of non-discrimination

and affirmative action incorporated into the Charter of the Democratic Party of the United States, and such members shall be elected so as to reflect representation of the various regions of New York State and of the various groups and constituents within the New York State Democratic Party.

ARTICLE III.

ORGANIZATION OF THE STATE COMMITTEE

Section 1: Election of Officers.

(a) The members of the State Committee shall meet within fifteen (15) days after their election, and shall organize at such meeting by the election of the following persons: State Chair, Executive Committee Chair, First Vice Chair, such number of Vice Chairs as determined by the Executive Committee, Treasurer, Assistant Treasurer, Secretary, Assistant Secretary, and Sergeant-at-Arms, none of whom need be members of the State Committee. The positions of State Chair and Executive Committee Chair may, but need not, be occupied by one person. In the event that different persons occupy the positions, then such persons shall be considered the two highest ranking officers of the State Committee. In the event that the same person occupies the positions, then the State Chair and the First Vice Chair shall be considered the two highest ranking officers of the State Committee.

(b) In electing officers in accord with Section 1(a) of this Article, the State Committee shall assure that the two highest-ranking officers of the State Committee are of the opposite gender; that the Vice Chairs are equally divided by gender; that the Assistant Secretary and Assistant Treasurer are of the opposite gender from the Secretary and Treasurer, respectively; and that the officers, as a whole, reflect the diversity of the Democratic Party of New York State.

Section 2: Standing Committees.

(a) There shall be the following standing committees of the State Committee: Executive Committee, Finance Committee, Law Committee, Campaign Committee, Committee on Resolutions, and Policy Committee. At least two (2) members of the State Committee shall be a member of each standing committee.

(b) Except as otherwise herein provided, the State Chair shall appoint the chair and members of all standing committees.

(c) To the extent feasible, each standing committee shall have equal representation from both genders.

Section 3: Executive Committee.

(a) The Executive Committee shall consist of the State Chair, the Executive Committee Chair, the First Vice Chair, the Vice-Chairs, the Executive Director, the Secretary, the Treasurer, the Chair of the Law Committee, the Chair of the Finance Committee, the Assistant Secretary, the Assistant Treasurer, the Sergeant-at-

Arms, a Labor Representative appointed by the State Chair, the Co-Chairs of the Policy Committee, the President of the New York State Young Democrats, two (2) members from each of the twelve (12) Judicial Districts in the State, one male and one female, elected by the State Committee members from each of such Judicial Districts, and eight (8) at-large members, four male and four female, to be elected by the entire membership of the State Committee upon nomination by the State Chair. For purposes of this provision:

(i) The representatives of the Judicial Districts shall be members of the State Committee, or Chairs, or Co-Chairs or Vice-Chairs of county Committees, or County Executive Committees, or officials of County Committees who occupy positions having similar duties and responsibilities.

(ii) Except in a Judicial District consisting of only one county, no more than one of the Judicial District representatives shall be from the same county. If one county has more than a majority of the members of the State Committee from a Judicial District, then the State Committee members from such county shall elect one (1) of the Executive Committee members, and the State Committee members from other counties of such Judicial District shall elect the other member of the Executive Committee.

(b) The Executive Committee Chair and Secretary of the State Committee shall be the Chair and the Secretary of the Executive Committee, respectively.

(c) Regular meetings of the Executive Committee shall be held at least twice each year on such days at such hours and places as the State Chair or Executive Committee Chair shall designate.

(d) Special meetings of the Executive Committee shall be held at the call of the Executive Committee Chair or upon written request of ten of the members of the Executive Committee addressed to the Executive Committee Chair or Secretary.

(e) The Secretary shall give written notice of regular meetings of the Executive Committee to each member of the Committee not less • than seven (7) days prior to the date of each meeting. Special meetings of the Executive Committee held upon the call of the Executive Committee Chair shall be upon such written notice as the Chair may direct. Special meetings of the Executive Committee held upon the written request of ten (10) of the members shall take place within twenty (20) days after such request and upon at least seven (7) days prior written notice. For purposes of this Rule 3(e), the Executive Committee Chair shall accept facsimile signatures for any such written request.

(f) A member of the Executive Committee may authorize as his proxy only another member of the Executive Committee, but in no event shall a member of the Executive Committee hold more than one proxy.

(g) Fifteen (15) members of the Executive Committee present in person, shall constitute a quorum for the transaction of business. Less than a quorum may adjourn the meeting and notice of adjournment shall be given in the same manner as

notice of meeting. Any meeting of the Executive Committee to which this section refers may be held by teleconferencing call, and a quorum may be satisfied by the presence of the requisite number of members on such a call.

(h) Except in matters which require the action of the State Committee under the provisions of the Election Law, or in matters otherwise specifically provided for in these Rules, the Executive Committee shall have power to act for the State Committee between meetings of the State Committee and any action of the Executive Committee may be overruled by the State Committee.

Section 4: Finance Committee.

There shall be a Finance Committee which shall have the responsibility for raising funds for the State Committee.

Section 5: Law Committee.

There shall be a Law Committee, chaired by the General Counsel of the State Committee, the members of which may include one representative from each Judicial District appointed by the State Chair.

Section 6: Campaign Committees.

(a) There shall be a General Campaign Committee which shall have responsibility on a (year round) day-to-day basis for the planning, organization, and conduct of Statewide election campaigns and shall assist local and County Committees in their election campaigns. The chair of such committee shall be the State Chair of the New York State Committee and such chair shall appoint the treasurer and, other members of the committee.

(b) There shall be a Democratic Senate Campaign Committee which shall have responsibility on a day-to-day basis for the planning, organization, financing and conduct of election campaigns for the office of State Senator. The chair of such committee shall be the Democratic leader of the State Senate and such leader shall appoint the treasurer and other members of the committee.

(c) There shall be a Democratic Assembly Campaign Committee which shall have responsibility on a day-to-day basis for the planning, organization, financing and conduct of election campaigns for the office of Member of Assembly. The Chair of such committee shall be the Democratic leader of the State Assembly and such Leader shall appoint the treasurer and other members of the committee.

Section 7: Policy Committee.

There shall be a Policy Committee, the members of which shall be appointed jointly by the Co-Chairs of the Policy Committee and the State Chair.

Section 8: Committee on Resolutions.

There shall be a Committee on Resolutions which shall prepare, consider and report on all resolutions.

Section 9: Special Committees.

The State Chair shall have power to appoint from time to time such Special Committees as may be necessary or appropriate, including, but not limited to, on Civil Rights, Platforms and Education.

Section 10: Executive Director.

There shall be an Executive Director appointed by the State Chair, and such staff members as shall be appropriate on a full-time, year-round basis, for the administration of the State Committee and its affairs.

Section 11: Term of Office.

All officers elected under these Rules and members of the Executive Committee shall hold office during the term of the State Committee which elected them until their successors are elected. Officers may be removed by a vote of a majority of the members of the State Committee at any meeting where notice under Article IV of such business has been given.

Section 12: Filling of Vacancies.

(a) In case of the death, declination, disqualification, resignation, removal from district or removal from office of a member of the State Committee, or failure to elect a member, as by reason of a tie vote, the vacancy of such State Committee member caused thereby shall be filled by the remaining members of such State Committee by the selection of an enrolled voter of the Democratic Party qualified for election from the unit of representation as to which such vacancy shall have occurred.

(b) In the event of death, declination, disqualification, resignation, or removal from office of officer, such vacancy shall be filled by a vote of the members of the State Committee at the meeting where such vacancy shall occur or be reported, or at a subsequent meeting.

(c) If the office of Executive Committee Chair, First Vice Chair, Vice-Chair, Treasurer, Assistant Treasurer, Secretary, Assistant Secretary or Sergeant-at-Arms, becomes vacant, for any reason, then the State Chair may fill such vacancy by appointment, and the person so appointed shall hold office until the vacancy shall be filled as provided in Section 12(b) of this Article. If the office of State Chair becomes vacant, for any reason, then the Executive Committee Chair shall become State Chair for all purposes under these Rules and under statute until the vacancy shall be filled as provided in Section 12(b) of this Article. If pursuant to Section 1(a) of this Article the State Chair and Executive Committee Chair are the same person, or if for any other reason the Executive Committee Chair is unable to become State Chair, then the First Vice Chair shall become State Chair for all purposes under these Rules and under statute until the vacancy shall be filled as provided in Section 12(b) of this Article.

Section 13: Holdover.

Until the meeting of the State Committee for organization, the officers of the outgoing Committees shall continue in office until the election of their respective successors.

ARTICLE IV.

MEETINGS OF THE STATE COMMITTEE

Section 1: Regular Meetings.

At least two (2) regular meetings of the State Committee shall be held each year, one (1) in the spring and one (1) in the fall, at such times and places as the State Chair may fix, but in the alternative locations downstate and upstate, upon ten (10) days prior written notice.

Section 2: Special Meetings.

Special meetings of the State Committee may be called by the State Chair at any time on ten (10) days prior written notice. Special meetings shall also be called by the State Chair upon the written request of at least one-sixth of the State Committee members, which request shall state the purposes thereof. Meetings shall be held on the date designated in the request, provided such date is not less than ten (10) days following receipt of the request. The State Chair shall call the meeting and give at least ten (10) days prior written notice thereof.

Section 3: Quorum.

(a) Except as provided in Article II, Section 4 of these Rules, one hundred (100) members of the State Committee present in person or by proxy in conformity with these rules shall constitute a quorum for the transaction of business.

(b) Less than a quorum may adjourn the meeting and notice of adjournment shall be given in the same manner as notice of meeting.

Section 4: Proxies.

The use of proxies at meetings of the State Committee shall be limited as follows:

(a) A proxy holder must be a resident of the same Judicial District as the State Committee members giving the proxy; and

(b) No individual may hold more than five (5) proxies at any meeting;
and

(c) Proxies shall be non-transferable.

Section 5: Order of Business.

At all meetings of the State Committee, the following shall be the order of business unless the State Chair otherwise directs:

- (i) Calling of the roll;
- (ii) Filling of vacancies;
- (iii) Reading and approval of minutes;
- (iv) Election of officers (at the organizational meeting or if otherwise necessary);
- (v) Unfinished business;
- (vi) Reports of officers;
- (vii) Reports of committees; and
- (viii) New business.

Section 6: Agenda.

(a) There shall be included on the agenda of any meeting of the State Committee any item or resolution that shall have been requested in writing of the State Chair or the Secretary signed by ten (10) or more members of the State Committee at least fifteen (15) days prior to the date of such meeting. Any such resolution shall be sent with the Notice of Meeting required by Section 1 hereof. For purposes of this Rule 6(a), the State Committee shall accept facsimile signatures on any written request to place an item or resolution on the agenda.

(b) Other than matters involving amendments to these By-Laws and removal of officers, special provisions for which are herein otherwise provided, all other business may be brought to the floor at each duly constituted meeting of the State Committee upon motion duly seconded by two (2) members of the State Committee. A proposed resolution a written copy of which has not accompanied the Notice of Meeting may not be adopted by a vote of less than two-thirds (2/3) of the members attending in person or by proxy.

Section 7: Voting.

The following method shall be used when there is voting by roll call:

(a) The roll shall be called by Assembly District starting with the first Assembly District and continuing in order to the 150th Assembly District.

(b) The member present or the proxy shall cast the vote allocated, at the time the district is called, or shall be recorded as "passed."

(c) Upon completion of the roll, the State Chair shall order the roll to be called once again in order of Assembly Districts for just those members or proxies who are recorded as passed or who were not present during the first call.

(d) Upon the conclusion of the Roll Call in "c" above, the balloting is closed for that Roll Call.

ARTICLE V.

DUTIES OF OFFICERS AND STATE COMMITTEE MEMBERS Section

1: General Duties.

(a) The State Chair, Executive Committee Chair, Secretary, Treasurer and other officers provided for in these rules shall perform the duties usually incident to their respective offices or as may be assigned to them.

(b) In addition to the duties, powers and functions prescribed by the Election Law and these Rules, it shall be the responsibility of members of the State Committee to disseminate, within their respective Assembly Districts, information with respect to State Committee policies and programs; for the purpose of effectuating such policies and programs.

Section 2: Duties of the State Chair.

In addition to the duties usually incident to the office, the State Chair is empowered:

(a) to convene binding arbitration panels for consideration of intra-party disputes submitted by contending parties within the Party which are not capable of being settled in Primaries.

(b) to act, and be recognized as the top leader of the Democratic Party in New York State, and to serve as formal Chair of all state-wide election campaigns.

(c) to convene periodic meetings with the Democratic leaders of the Legislature in Albany and with Democratic members of the New York State Congressional Delegation in Washington in order to translate the views of the State Party on substantive issues into public policy and to inspire and mobilize vigorous public and Party support of all major legislation which implements the New York State Democratic Party Platform and progress, and to challenge or expose the errors or inadequacies of any Republican officials of the State.

Section 3: Duties of the Vice-Chairs.

The Vice-Chairs shall have such duties and responsibilities as may be determined by the State Committee or the State Chair.

Section 4: Duties of the Treasurer.

(a) The Treasurer shall cause to be conducted an annual written audited financial report, which report shall be filed in the office of the State Committee and shall be available for inspection at any time by any member thereof.

(b) Expenditures shall be made by order of and upon voucher signed by the State Chair or the Treasurer, or such persons as the State Chair or the Treasurer may designate in writing.

(c) The State Chair and the Treasurer may prepare an annual administrative budget to be submitted to the Executive Committee.

ARTICLE VI.

NOMINATIONS FOR PUBLIC OFFICE

Section 1: Nominations by the State Committee.

At a meeting of the State Committee for the designation of candidates for any office to be filled by the voters of the entire state, in voting for the designation of such candidates the State Committee members, in each Assembly District, shall cast in the aggregate a number of votes equal to the number of votes cast for the Party candidate for Governor on the Democratic line or column at the last preceding General State Election ("the last gubernatorial vote") in such Assembly District; and the vote to which each State Committee member in such Assembly District is entitled shall be as follows:

(a) In each Assembly District which comprises a whole county or is entirely within a county each State Committee member elected therefrom shall cast a number of votes equal to one-half of the last gubernatorial vote cast in such Assembly District.

(b) In each Assembly District which comprises two or more whole counties each of the State Committee members elected from such a county shall cast a number of votes equal to one-half of the last gubernatorial vote cast in such Assembly District.

(c) In each Assembly District which comprises one or more whole counties and one or more parts of counties, each of the State Committee members elected from such a whole county shall cast a number of votes equal to one-half of the last gubernatorial vote cast in such county and each of the State Committee members elected from such part of a county shall cast a number of votes equal to one-half of the last gubernatorial vote cast in such part of the county.

(d) In each Assembly District which comprises only parts of two or more counties and no whole county or counties, each State Committee member elected from such a part of a county shall cast a number of votes equal to one-half of the last Democratic gubernatorial vote cast in such part of a county.

Section 2: Other Nominations

(a) Nominations for an office to be filled at a special election, nominations for election to fill a vacancy, or nominations to fill a vacancy in a nomination, shall be made:

(i) if for an office to be filled by the voters of the entire state, then by the State Committee;

(ii) if for a county office, then by the County Committee or, if the rules of the County Committee otherwise provide, then in such manner as the rules of the County Committee provide; and

(iii) if for an office in any other political subdivision of the State, then by the district or party committee thereof, or if wholly within a county, then in such other manner as the rules of the County Committee shall provide.

(b) Unless the law or rules of the applicable committee otherwise provides, all voting for nominations shall be by weighted vote.

ARTICLE VII.

ETHICS CODE

Section 1: Statement of Principles.

Public trust in party leadership is essential if the Democratic Party in New York State is to achieve continued success and deserve it. Rules of ethical guidance for the conduct of party leaders can help earn that public trust.

It is essential that party leadership not be used for private gain. It is also essential that the Democratic Party attract those citizens best qualified to serve, and not impede unreasonably or unnecessarily their recruitment and retention or unfairly deny to them the economic rights and opportunities available to all other citizens.

It is the intent of this Code of Ethics to implement these objectives of promoting both the integrity of the Democratic Party and the recruitment and retention of qualified party leadership by prescribing restrictions against abuses of political position for private financial gain without creating unnecessary barriers to party service.

Section 2: Definitions.

"Code of Ethics "—The Democratic Party Code of Ethics, as set forth in this Article V and as may be amended from time to time.

"Committee "—The New York State Democratic Committee.

"Committee Ethics "—The State Committee Ethics Commission, as created pursuant to this Code of Ethics.

"Compensation'—Any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, Compensation shall mean net revenues, as applied in accordance with generally accepted accounting principles as applied by the State Ethics Commission.

"Legislative Body "—The New York State Assembly or Senate, any county or municipal legislative body or any board of estimate.

"Licensing"—Any State Agency or Local Agency activity, other than before the Division of Corporations and State Records in the Department of State, respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a Regulatory Agency, which in the absence of such license, permit or other form of permission would be prohibited.

"Local Agency "—Any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and any public benefit corporation or public authority not included in the definition of State Agency.

*"Ministerial Matter "*An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

"Party Leader"—(i) Each Chair or acting Chair of the Committee, (ii) each officer serving the Committee in a full-time capacity and (iii) each managerial employee and professional employee performing duties of a policy-making nature and serving the Committee in a full-time capacity.

"Regulatory Agency "—The Banking Department, Insurance Department, State Liquor Authority, Department of Agriculture and Markets, Department of Education, Department of Environmental Conservation, Department of Health, Division of Housing and Community Renewal, Department of State (other than the Division of Corporations and State Records), Department of Public Service, the Industrial Board of Appeals in the Department of Labor and the Department of Law.

"Representative "—The representation of the interests of a client or other person pursuant to an agreement, express or implied, for Compensation for services.

"State Agency "—Any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the Governor, or the State University of New York or the City University of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the State. "State Ethics The Ethics Commission

of the State Commission" of New York established pursuant to Section 94 of the Executive Law.

Section 3: State Committee Ethics Commission.

(a) (i) The Committee Ethics Commission shall consist of five enrolled Democrats, residing within the State of New York, serving terms of four years each (except that the first terms of two of the initial members shall be six years each) with no more than three terms expiring during the same year. No Party Leader, no more than one member of the Executive Committee of the Committee and no more than one officer of the Committee shall serve as a member of the Committee Ethics Commission. Committee Ethics Commission members shall be nominated by the State Chair and appointed with the approval of the Committee or its Executive Committee. The State Chair shall designate a Commission chair from among the Committee Ethics Commission members and act promptly to nominate persons to fill vacancies on the Committee Ethics Commission as they arise. The members of the Committee Ethics Commission may be removed by the State Chair for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this Code of Ethics, after written notice and opportunity for a reply. The Committee Ethics Commission may appoint a counsel to serve at its discretion and may employ other employees or consultants within the budget set by the Committee.

(ii) The Committee Ethics Commission shall be bound by this Code of Ethics in the administration of hearings and the rendering of decisions and shall maintain for public inspection all disclosures filed under Section 4 of this Code. The Committee Ethics Commission may establish rules for the Commission governing standing, jurisdiction and the right of appeal.

(b) Complaints.

(i) Any enrolled Democrat (the "Complainant") may submit to the Committee Ethics Commission (privately and without any public release or announcement with respect thereto) a written complaint (a "Complaint") alleging a specific violation of the Code of Ethics by a Party Leader (the "Respondent").

(ii) The Committee Ethics Commission may independently initiate a Complaint alleging a specific violation of the Code of Ethics by a Party Leader (the "Respondent").

Hearings.

(i) Upon receipt or initiation of a Complaint, the Committee Ethics Commission shall promptly give the Respondent a copy thereof.

(ii) Within 15 days of receipt of the copy of such Complaint, the Respondent may submit a written response to the Committee Ethics Commission. Promptly thereafter (and in no case later than 30 days after the conclusion of such 15-day period), the Committee Ethics Commission may, in its discretion, dismiss the Complaint, issue a reprimand or admonition to the Respondent or schedule a hearing on the merits of

the Complaint, except that if the Respondent, in his or her response, requests that a hearing be held, then the Committee Ethics Commission shall schedule such a hearing. The Committee Ethics Commission shall dismiss and take action to discourage unfounded or frivolous Complaints.

(iii) If a hearing is to be held, then, at least 15 days prior to the date scheduled by the Committee Ethics Commission, the Complainant, if any, and Respondent shall each be notified of the time, date and place of such hearing.

(iv) Hearings shall be private, unless the Respondent requests otherwise, but all reprimands, admonitions, penalties and other determinations adverse to the Respondent shall be made public by the Committee Ethics Commission.

(v) In conducting a hearing, the Committee Ethics Commission may request written or oral testimony. The Respondent may present written or oral testimony on his or her behalf and will be entitled to have counsel present at such hearing.

(vi) A quorum of at least four members of the Committee Ethics Commission shall be present at any hearing.

(vii) A majority vote of all the members of the Committee Ethics Commission shall be required to make any determination with respect to a Respondent, including determinations made as a result of a hearing.

(viii) If the Committee Ethics Commission has made an adverse determination with respect to a Respondent, and the vote for such determination was not unanimous, the Respondent may, within 30 days of such determination, appeal such determination to the Committee or, at the Respondent's election, to its Executive Committee.

(d) Advisory Opinions.

(i) The Committee Ethics Commission may, in its discretion, issue public or private advisory opinions with respect to questions of ethical conduct, conflicts of interest and other matters arising under this Code of Ethics. Records of all public advisory opinions shall be kept by the Committee Ethics Commission for consultation, as appropriate, by enrolled Democrats.

(ii) Any Party Leader may request in writing a public or private advisory opinion regarding conduct relating to his or her public or party responsibilities. Private advisory opinions shall be treated as confidential by the Committee Ethics Commission.

Section 4: Conflict of Interest.

(a) No Party Leader, no firm or association in which such Party Leader is a member and no corporation, ten percent or more of the stock of which is owned or controlled directly or indirectly by such Party Leader, during the Party Leader's tenure in office and for two years thereafter, shall:

(i) receive, directly or indirectly, or enter into any agreement express or implied for, any Compensation, in whatever form, for the appearance or rendition of services (whether by such Party Leader, firm, association, corporation or another) (x) in relation to any resolution, bill or other matter before any Legislative Body or (y) in relation to any case, proceeding, application or other matter before any State Agency or Local Agency where such appearance or rendition of services before such State Agency or Local Agency is in connection with:

(A) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such Agency;

(B) any proceeding relating to rate-making;

(C) the adoption or repeal of any rule or regulation having the force and effect of law;

(D) the obtaining of grants of money or loans;

(E) Licensing; or

(F) any proceeding relating to a franchise provided- for in the Public Service Law; *provided, however, that:*

(X) nothing contained in this Subsection 4(a)(i) shall prohibit a Party Leader, firm, corporation or association from appearing before a State Agency or a Local Agency in a Representative Capacity if such appearance in a Representative Capacity is in connection with a Ministerial Matter;

(Z) a Party Leader who is a member, associate, retired member, of counsel to, or shareholder of any firm, association or corporation shall not be deemed to have made an appearance under the provisions of this Subsection 4(a)(i) solely by the submission to a State Agency or Local Agency of any printed material or document bearing his or her name, but unsigned by him or her, such as by limited illustrations the name of the firm, association or corporation or the letterhead of any stationery, which pro forma serves only as an indication that he or she is a member, associate, retired member, of counsel to or shareholder;

(ii) (A) sell any goods or services having a value in excess of \$25 to any State Agency or Local Agency or (B) contract for or provide such services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a State Agency or Local Agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This Subsection 4(a)(ii) shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law; or

(iii) accept, directly or indirectly, for such Party Leader's personal gain, anything of value, whether in the form of a service, loan, gift, promise, or contribution to his or her campaign for party office in excess of \$100, from any person, firm, association, corporation or other entity which to his or her knowledge has a financial interest in the outcome of any pending Committee decision, contract, policy or appointment; *provided, however*, that nothing contained in this Section 4(a) shall be construed or applied to prohibit any such firm, association or corporation from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, any State Agency, Local Agency or Legislative Body, where such Party Leader does not share in the net revenues (as defined in accordance with generally accepted accounting principles as defined by the State Ethics Commission) resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

(b) Notwithstanding and in addition to the foregoing provisions of Section 4(a).

(i) no Party Leader who is a member, associate, retired member, of counsel to or shareholder of any firm, association or corporation which is appearing or rendering services in connection with any case, proceeding, application or other matter listed in Subsection (4)(i) shall orally communicate, with or without Compensation, as to the merits of such cause with an officer or an employee of the Agency concerned with the matter; and

(ii) no Party Leader shall use or attempt to use his or her party position as a means of undue or improper influence to secure from any State Agency or Local Agency for him or herself or others with whom he or she has a family, employment or business or financial relationship any benefits, privileges or exemptions not generally available to members of the public.

Section 5: Dual Office-Holding.

No Party Leader (and, with regard to subsection .5(d) only, no other officer or member of the Committee and no member of the Democratic National Committee elected by the Committee), during his or her tenure in such office, shall simultaneously:

(a) hold any appointive office of a policy-making nature in the executive branch of either the federal or state government; or

(b) hold or seek any state-wide elective public office; or

(c) hold or seek any of the following offices: County Executive (or the equivalent chief executive office, by whatever title designated) of any county with population greater than 300,000 or of Albany County; Comptroller of any such county, if elective public office; or mayor or supervisor of any city or town with population greater than **300,000**; or

(d) serve as a judge of any court of record, attorney general or deputy or assistant attorney general or solicitor general, district attorney or assistant district attorney.

Section 6: Financial Disclosure.

Each Party Leader covered by Section 73—a of the Public Officers Law with respect to financial disclosure shall comply with the provisions thereof.

Section 7: Certification of Party Leaders.

(a) Promptly after a Party Leader's election or appointment to party office, the Committee Ethics Commission shall provide such Party Leader with a copy of this Code of Ethics together with such other material as the Committee Ethics Commission may prepare related thereto. Within 10 days of receipt of the Code of Ethics, a Party Leader shall file with the Committee Ethics Commission a certificate in the form set forth below acknowledging receipt of the Code of Ethics and any other materials prepared by the Committee Ethics Commission related thereto, and that he or she has read the same and undertakes to conform to the provisions, purposes and intent thereof and to the norms of conduct for leaders of the Democratic Party:

DEMOCRATIC PARTY OF THE STATE OF NEW YORK

Certificate of Party Leader

COUNTY OF STATE OF NEW YORK

_____, having been duly sworn, hereby certify that I am currently an enrolled member of the Democratic Party; that I am qualified under the Constitution and laws of the State of New York and the Rules of the New York State Democratic Party to hold the party office to which I have been elected; that I acknowledge receipt of a copy of the Code of Ethics of the State Committee of the Democratic Party of the State of New York; that I have read the same and undertake to conform to the provisions, purposes and intent thereof and to the norms of conduct for leaders of the Democratic Party.

Sworn to and subscribed to
before me this _____ day
of _____, 2004 at
County, New York.

Signature of Notary Public

Section 8: Penalties.

(a) . The Committee Ethics Commission, within two weeks of its being notified or otherwise learning of the issuance, filing or serving of a complaint, information, indictment or other instrument charging a Party Leader with any criminal offense, shall, after notice to the Party Leader, hold a hearing as to whether such offense is of the type that, upon conviction thereof and pursuant to Section 8(b), the party office of such Party Leader would automatically become vacant, and, upon a determination that such crime or offense is of such type, such Party Leader shall automatically and immediately be suspended from party office pending final adjudication of his or her case.

(b) The party office of any Party Leader convicted in any state or federal court of a criminal offense that constitutes (or, had such offense occurred in New York, would have constituted) a felony under the laws of the State of New York shall automatically become vacant immediately upon such conviction.

(c) Pursuant to the procedures set forth in Section 3 above, a Party Leader may, in the Committee Ethics Commission's discretion, be reprimanded, admonished or suspended or removed from party office by a determination by the Committee Ethics Commission of a violation by such Party Leader of the Code of Ethics.

(d) A Party Leader who, pursuant to this Section 8, is removed from office for a violation of the Code of Ethics, or for conviction of a crime included in Section 8(b), may not hold party office for five years from the date of removal, or, if later and if such Party Leader was convicted of such a crime and sentenced to imprisonment, from the date of expiration of his or her maximum sentence of imprisonment or discharge from parole.

Section 9: Revision and Amendment.

The Committee Ethics Commission shall review the provisions of the Code of Ethics from time to time and recommend to the Committee such changes or additions as it may consider appropriate or desirable.

Section 10: Effective Date.

The provisions of this Code of Ethics shall apply to a Party Leader effective January 1, 1989; *provided, however*, that (1) the provisions of Subsection 4(a)(i) shall not apply to the appearance or rendition of services before a State Agency or Local Agency where the Party Leader, firm, association or corporation subject to such provisions was substantially and actively involved in the case, proceeding, application or other matter, or transaction of business as of January 1, 1988 and substitution of new counsel would impose substantial hardship on the client and (2) nothing contained in Subsection 5(c) shall be applied to prohibit a Party Leader from simultaneously holding any of the public offices specified therein if such Party Leader holds such party office and public office as of the date on which this Code of Ethics is adopted and continued to hold each such office for consecutive successive Lewis thereafter.

ARTICLE VIII.

AMENDMENTS

These Rules may be amended from time to time by a majority of the members of the Committee present in person, or by proxy, at a meeting at which there is a quorum, provided a copy of the proposed amendment shall be sent with the notice of the meeting at which such amendment is to be proposed.

ARTICLE IX.

MISCELLANEOUS

Section 1: Rules of Procedure.

In all cases not provided for by law or by the Rules, the authority for parliamentary procedure for the State Committee and the Executive Committee shall be the latest edition of "Robert's Rules of Order," insofar as such rules of order may be appropriately applied.

Section 2: Minutes.

Minutes of the meeting of the State Committee and the Executive Committee shall be recorded and sent to all members of these committees.

Section 3: Copy of Rules.

A copy of these Rules shall be on file in the office of the State Committee and shall be made available on request to any duly enrolled Democrat.

Section 4: Salary.

The State Committee or the Executive Committee in its place may fix a salary for the State Chair and other officers and employees of the State Committee in an amount as may be determined from time to time.

Section 5: Funds and Borrowing.

(a) The funds of the State Committee shall be deposited from time to time in such financial institutions authorized to do business in the State of New York as may be determined by resolution of the State Committee or the Executive Committee, or by the certificate of the State Chair and the Treasurer of the State Committee and all withdrawals from any such bank accounts shall be by check or draft signed by the State Chair, the Treasurer, the Assistant Treasurer, or such other person as the State Chair may designate in writing.

(b) The State Chair and the Treasurer, jointly, are authorized and empowered to borrow from any financial institution authorized to do business in the State of New York, or from any partnership or individual, from time to time, as in their

judgment may be deemed appropriate or necessary to the business and affairs of the State Committee, such sum or sums of money, upon such terms and for such periods of time as they may deem appropriate, for proper expenses in connection with the conduct of an election campaign (but not a primary campaign) or for the expenses of maintaining and carrying on the business of the State Committee between election campaigns; provided, however, that such authorization and power to borrow funds shall be subject **to** such restrictions as the State Committee or Executive Committee may from time to time determine. Any such borrowing shall be evidenced by the promissory note or notes or written evidence of indebtedness and obligation of the State Committee, signed by the State Chair and Treasurer. Money so borrowed by the State Chair and Treasurer, jointly, shall be deposited in the name of the State Committee. In the absence or unavailability of the Treasurer or Assistant Treasurer, the Secretary may perform any of the duties or functions hereinabove provided for in this subdivision (b) of Section 5 of Article VI.

Section 6: Indemnity.

To the extent not prohibited by law, the Committee shall indemnify any person who is, was, or is threatened to be made a party in any proceeding, or is otherwise made subject to legal process or in need of legal representation, by reason of the fact that such person (or a person, of whom such person is a legal representative) is or was an officer or employee of the Committee, or arising out of any action or nonaction of such person in connection with the activities of the Committee, against all sums, fees, and expenses of any kind (including, but not limited to, judgments, amounts paid in settlement, and attorneys' fees and costs), except that such person shall not be indemnified if a final adjudication establishes either (1) that such person's actions were committed in bad faith or were the result of active and deliberate dishonesty, or (2) that such person gained a personal financial profit to which such person was not legally entitled. To the extent not prohibited by law, the Committee shall advance or reimburse any funds to any person entitled to an indemnity for the payment of such sums, fees, and expenses of any kind (including, but not limited to, judgments, amounts paid in settlement, and attorneys' fees and costs), and shall have the power to purchase and maintain insurance to indemnify itself for any obligation incurred as a result of this indemnification and to indemnify any officer or employee of the Committee in instances when such a person is entitled to an indemnification.

Section 7: Obligation of Candidates seeking or holding Party or Public Office.

All of those persons seeking or holding party or public office under the Democratic Party label or Democratic Party name, thereby undertake, while so serving or seeking to serve, not to oppose publicly the election of any Democratic nominee for the office in New York State.

Section 8: Historical Archives

The Rare Book & Manuscript Library of Columbia University in the City of New York is hereby designated as the repository for "The New York State Democratic Committee" which shall consist of documents, materials, correspondence, and other papers of interest to social and political scientists, including, but not limited to, the

Committee's by-laws, lists of officers, executive and State Committee members, official minutes of meetings and proceedings of state conventions, county chairs, and other items which the State Chair shall from time to time, determine to be important original resources regarding the work of the Committee and the county chairs throughout the State of New York. After each state Committee meeting and/or convention, the Secretary is hereby directed to file the official minutes with the Library. At least once each year, the State Chair shall report to the State Committee what documents have been delivered to the Library.

